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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,514	07/18/2006	Thorsten Kuhnen	BLASP4283US	4575

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EXAMINER

TANG, JEFF

ART UNIT	PAPER NUMBER
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3634

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,514	Applicant(s) KUHNEN ET AL.	
	Examiner Jeff Tang	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/31/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group 1, claims 1-19 and 24 in the reply filed on 10/13/08 is acknowledged.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13, 16, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "free from play" in claim 13 is a relative term which renders the claim indefinite. The term "free from play" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claims will be examined as best understood.

4. Claims 16 and 18 recites the limitation "second section" in lines 3 and 4 in claim 16, and line 3 in claim 18. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda et al. (US 6,919,511 B2) in view Hisano (US 5,584,144).

Tsunoda et al. disclose a sliding door having an outer door skin (1), an inner door skin (2) and an inside trim (Column 8, line 43) said sliding door being supported on at least one guide rail (Column 6, line 52) provided on a vehicle body and being movable between an opened position and a closed position along a longitudinal direction, said sliding door comprising a cable guide assembly (70, 80) for accommodating and guiding electric cables, which connect first electric elements provided in or on the vehicle body to second electric elements provided on the sliding door, wherein on moving the sliding door, the cable guide assembly is movable at least in a plane including the longitudinal direction of the vehicle and wherein a guide channel (86) for guiding the cable guide assembly is provided on moving the sliding door . Tsunoda et al. disclose the guide channel being bolted onto the inner side of the door (100), but does not disclose the said guide channel comprising guide surfaces that are formed or integrated at least in sections on at least one of the inner door skin, a door module support and the door inside trim. However, Hisano discloses a door module with a guide channel formed integrally to the inner door skin (11e). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have made the guide channel an integral part of the door module. The motivation for doing so would be to reduce the number of parts and for the sake of ease of assembly.

Regarding claims 2, 4, and 24, Hisano has at least one of the door module support, inside door trim to provide further functional elements (5, 6). It would be obvious to one of ordinary skill in the art at the time of invention to have the functional elements configured to be pre-assembled and pre-tested since this is common practice in assembly plans; **[claim 3]** wherein the guide channel is formed between the door module support and the inner door skin of the door (11); **[claim 4]** wherein the guide channel is formed between the door support module (3) and the door inside trim (11) of the door; **[claim 24]** wherein said function elements comprise one or more of a window lift, a door lock or a loudspeaker (5, 6).

Regarding claim 3, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have made the guide channel in between the door module and the inner door skin, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

7. **Claims 5-12, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda et al. (US 6,919,511 B2) and Hisano (US 5,584,144) as applied to claim 1 above, and further in view of Kobayashi et al. (US 7,082,720 B2).** Tsunoda et al. disclose the invention as set forth but does not disclose the sections of the guide cable. However, Kobayashi et al. disclose the first section of the guide cable being movable only in the sliding plane including the longitudinal direction of the vehicle on moving the sliding door (S2) and the second section being movable or pivotable in a direction transverse to the sliding plane on displacing the sliding door into the sliding

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plane (S1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified Tsunoda et al.'s invention. The motivation for doing so would be to create a cable guide that can accommodate the sliding door to slide as well as move transversely relative to the sliding direction.

Regarding claims 6 and 7, the combination of Tsunoda et al., Hisano and Kobayashi et al. disclose the cable guide being connected to an interface element (Kobayashi, 20, 30); **[claim 7]** wherein on moving the sliding door, a c shaped turning area of the cable guide assembly passes over a central guide area (Kobayashi et al., Fig. 2 and Tsunoda et al., 80, Fig. 1).

Regarding claims 8-10, and 12, Hisano discloses the guide channel is formed as a cavity extending along the longitudinal axis of the vehicle with two side walls parallel to each other (11e, Fig. 1a); **[claim 9]** wherein at least one side wall of the cavity is formed on one of the door module support, the inner door skin, and the door inside trim; **[claim 10]** wherein the cavity is formed by working an edge area of one of the door module support, the inner door skin and the door inside trim; **[claim 12]** wherein a width of the cavity in the vicinity of the sidewalls corresponds to a transverse dimension of the cable guide assembly in the transverse direction of the vehicle.

Regarding claim 11, It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the sidewall by stamping since the examiner takes Official Notice of the equivalence of stamping and forming for their use in the mechanical art and the selection of any of these known equivalents to have been used to form the door would be within the level of ordinary skill in the art.

Regarding claim 13, Tsunoda et al. disclose the cable guide assembly is guided substantially free from play in both section of the guide channel (80).

Regarding claim 19, Kobayashi et al. disclose wherein the cable guide assembly comprises at least one cable drag chain comprising chain links (3).

8. **Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda et al. (US 6,919,511 B2) and Hisano (US 5,584,144) as applied to claim 1 above, and further in view of Suzuki et al. (US 2004/0083655 A1).** Tsunoda et al. disclose the invention as set forth but does not disclose the sliding element connected to the cable guide assembly. However, Suzuki et al. disclose a sliding element (25) connected to the guide assembly. Therefore, it would have been obvious to one of ordinary skill in the art to have included a sliding element as disclosed by Suzuki et al. The motivation for doing so would be to allow the cable guide to move with the door and not get caught.

Regarding claim 15, Suzuki et al. disclose the sliding element guide (23) is formed as a longitudinal protrusion which engages in a longitudinal slot of the sliding element.

9. **Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda et al. (US 6,919,511 B2), Hisano (US 5,584,144) and Suzuki et al. (US 2004/0083655 A1) as applied to claim 1 above, and further in view of Kobayashi et al. (US 7,082,720 B2).** Tsunoda et al. disclose the invention as set forth but does not disclose the pivot bearing. However, Kobayashi et al. disclose a pivot bearing (121). Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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invention to have modified the sliding element to include such a bearing. The motivation for doing so would be to allow the guide to pivot while the door pivots to protect the cable.

Regarding claims 17 and 18, the combination of Suzuki et al. and Kobayashi et al. disclose the pivot bearing designed to be C-shaped and in one piece with the sliding element; **[claim 18]** wherein the pivot bearing and the guide are designed such that the second section of the cable guide assembly is not obstructed by the door module support on pivoting.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Tang whose telephone number is (571) 270-5223. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. T./

Examiner, Art Unit 3634

/Jerry Redman/

Primary Examiner, Art Unit 3634